



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 24 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Abraham Chavez  
Owner  
A & R Custom Chrome Plating  
6528 South Lavergne Avenue  
Chicago, Illinois 60638

Re: Notice and Finding of Violation  
A & R Custom Chrome Plating  
Chicago, Illinois

Dear Mr. Chavez:

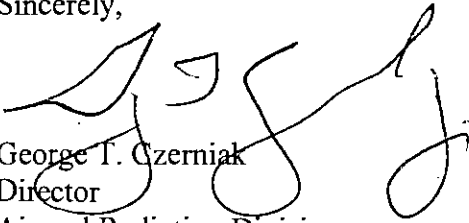
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to A & R Custom Chrome Plating (you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and (3). We find that you have violated the recordkeeping requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations, at 40 C.F.R. Part 63, Subpart WWWW (Subpart 6W), set forth at 40 C.F.R. § 63.11504 *et seq.*, the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, at 40 C.F.R. Part 63, Subpart N (Subpart N), set forth at 40 C.F.R. § 63.340 *et seq.*, and your lifetime operating permit, at your Chicago, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Reza Bagherian and Katarina Bellairs. You may call either at (312) 886-0674 and (312) 353-1669, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager  
Compliance and Enforcement Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**A & R Custom Chrome Plating  
Chicago, Illinois**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 *et seq.*

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)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**  
)  
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) **EPA-5-2014-IL-24**  
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**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify A & R that you have violated Clean Air Act (the Act or CAA) § 7401 *et seq.*, at your facility at 6528 South Laverne Avenue, Chicago, Illinois.

This Notice is issued pursuant to Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1). The authority to issue this Notice has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division.

**STATUTORY AND REGULATORY BACKGROUND**

1. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations for particular industrial sources that emit one or more of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), in significant quantities. EPA codifies these National Emission Standards for Hazardous Air Pollutants (NESHAPs) at 40 C.F.R. Part 63.
2. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4 prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
3. Under Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW (Subpart 6W) on July 1, 2008. 73 Fed. Reg. 37741 (July 1, 2008).
4. Subpart 6W applies to the owner or operator of a plating and polishing facility that:  
(1) is an area source of HAP emissions; (2) uses or has emissions of compounds of

one or more plating and polishing metal HAPs; and (3) among other things, is engaged in non-chromium electroplating. 40 C.F.R. § 63.11504(a).

5. 40 C.F.R § 63.2 and Subpart 6W, at 40 C.F.R. § 63.11504(a)(2), define an “area source of HAP emissions” as any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year (TPY) or more and any combination of HAPs at a rate of 25 TPY or more.
6. Subpart 6W, at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511, defines a “plating and polishing metal HAP” as any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form, with exceptions which are not relevant here.
7. Subpart 6W, at 40 C.F.R. § 63.11511, defines “electroplating” as an electrolytic process that uses or emits any of the plating and polishing metal HAPs in which metal ions in solution are reduced onto the surface of the work piece via an electrical current.
8. Subpart 6W, at 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c), requires that the owner or operator of an affected source prepare an Annual Certification of Compliance Report that includes, in part, (1) for owners or operators of an affected electroplating tank that is subject to the requirements in 40 C.F.R. § 63.11507(a)(1), a statement that a wetting agent/fume suppressant (WA/FS) was added to the bath according to the manufacturer’s specifications and instructions; and (2) for owners or operators of an affected tank or other affected plating and polishing operation that is subject to the management practices in 40 C.F.R. § 63.11507(g), a statement that the applicable management practices have been implemented, as practicable. The Annual Certification of Compliance Report must be prepared no later than January 31 of the year immediately following the reporting period and kept in a readily-accessible location for inspector review. These reports do not need to be submitted unless a deviation from the requirements of Subpart 6W has occurred during the reporting year, in which case, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period.
9. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N (Subpart N). 60 Fed. Reg. 4948 (January 25, 1995).
10. Pursuant to 40 C.F.R. § 63.340(a), Subpart N applies, in part, to each chromium electroplating tank at facilities performing decorative chromium electroplating.
11. Subpart N, at 40 C.F.R. § 63.341(a), defines “decorative chromium electroplating” as the process by which a thin layer of chromium (typically 0.003 to 2.5 microns) is

electrodeposited on a base metal, plastic, or undercoating to provide a bright surface with wear and tarnish resistance.

12. Subpart N, at 40 C.F.R. § 63.343(c)(5), provides that for affected sources that use a wetting agent/fume suppressant to meet the applicable emission limits under the NESHAP, the owner or operator shall monitor surface tension of each tank to demonstrate continuous compliance as specified by 40 C.F.R. § 63.345(c)(5)(A) through (C). The minimum frequency of monitoring allowed by Subpart N is once every 40 hours of tank operation.
13. Subpart N, at 40 C.F.R. § 63.341(a), defines "tank operation," in part, as the time in which current and/or voltage is being applied to a chromium electroplating tank.
14. Subpart N, at 40 C.F.R. § 63.340(b) and 63.346(a), provides that the owner or operator of an affected source subject to the provisions of Subpart N must also comply with the requirements of Subpart A of Part 63 (General Provisions) according to the applicability of Subpart A to such source, as identified in Table 1 of Subpart N.
15. Table 1 of Subpart N lists the requirements of General Provisions, set forth in 40 C.F.R. §§ 63.4 and 63.10(b)(1), that are applicable to Subpart N.
16. The General Provisions, at 40 C.F.R. § 63.4(a)(2), provide that no owner or operator subject to the provisions of Subpart A shall fail to keep records, notify, report, or revise reports as required under Subpart A.
17. The General Provisions, at 40 C.F.R. § 63.10(b)(1), require the owner or operator of an affected source subject to the provisions of Part 63 to maintain files of all information required by Part 63, recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
18. Subpart N, at 40 C.F.R. § 63.347(h)(1), requires the owner or operator of an affected source that is located at an area source site to prepare annually a summary report to document the ongoing compliance status of the affected source that contains the information in 40 C.F.R. § 63.347(g)(3).
19. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved.

20. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.
21. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP, and is federally enforceable under Section 113. 42 U.S.C. § 7413.
22. On May 31, 1972, EPA approved Illinois Pollution Control Board Rules 103(a) and (b) as part of the federally enforceable SIP of the State of Illinois (Illinois SIP). 37 Fed. Reg. 10862. IPCB Rule 103(a) has been recodified at 35 IAC § 201.142. IPCB Rule 103(b) has been recodified at 35 IAC § 201.143.
23. The Illinois SIP, at Rule 103(a)(1) [35 IAC § 201.142], provides that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).
24. The Illinois SIP, at Rule 103(b)(1) [35 IAC § 201.143], provides that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required, without first obtaining an operating permit from IEPA.
25. The Illinois SIP, at Rule 103(b)(7) [35 IAC § 201.161], provides “[t]he Agency may impose such conditions in an operating permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board thereunder.”
26. IEPA issued a federally enforceable lifetime operating permit, facility I.D. No. 031012AHA, to A & R on January 11, 2008.
27. Paragraph 9(e) of the lifetime operating permit states that A & R shall comply with the applicable requirements in 40 C.F.R. § 63.347.
28. Paragraph 10 of the lifetime operating permit states that A & R shall maintain monthly records of particulate matter and HAP emissions with supporting calculations in tons per month and tons per year.

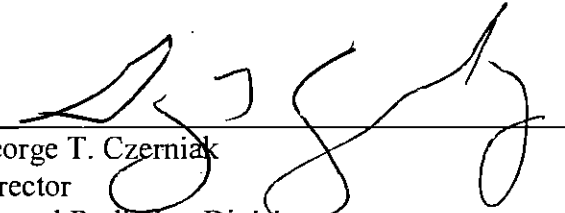
#### **EXPLANATION OF VIOLATIONS**

29. A & R owns and operates a plating facility at 6528 South Laverne Avenue, Chicago, Illinois, where it conducts nickel “electroplating” (as that term is defined at 40 C.F.R. § 63.11511) and “decorative chromium electroplating” (as that term is defined at 40 C.F.R. § 63.341(a)) of various metal parts.

30. The facility is an "area source of HAP emissions," as that term is defined at 40 C.F.R. §§ 63.2 and 63.11504(a)(2).
31. Nickel is a "plating and polishing metal HAP," as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.
32. The facility operates an electrolytic nickel tank subject to the requirements of Subpart 6W, which operates at a pH of less than 12.
33. The facility operates an electrolytic decorative chromium plating tank subject to the requirements of Subpart N.
34. On July 30, 2014, EPA representatives performed an inspection of the A & R facility.
35. On August 7, 2014, A & R submitted a letter to EPA regarding the annual reports it is required to maintain pursuant to 40 C.F.R. § 63.4(a)(2), 63.10(b)(1), 63.340(b), 63.346(a), and the monthly records it is required to maintain pursuant to Conditions 9 and 10 of its lifetime operating permit.
36. Based on information obtained during the inspection and A & R's August 7, 2014 letter to EPA, A & R has failed to maintain annual compliance reports for its nickel and decorative chrome electroplating tanks, as required by 40 C.F.R. §§ 63.347(h)(1), 63.11508(d)(2), 63.11509(c), and Condition 9 of its lifetime operating permit.
37. Based on information obtained during the inspection and A & R's August 7, 2014, letter to EPA, A & R has failed to maintain monthly records of particulate matter and HAP emissions as required by Condition 10 of its lifetime operating permit.
38. Based on information obtained during the inspection, A & R has failed to monitor surface tension of its decorative chrome electroplating tank at least once every 40 hours to demonstrate continuous compliance as specified by 40 C.F.R. §§ 63.345(c)(5)(A) through (C), as required by 40 C.F.R. § 63.343(c)(5).

Date

9/24/14

  
George T. Czerniak  
Director  
Air and Radiation Division

### **CERTIFICATE OF MAILING**

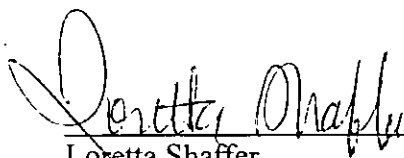
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IL-24, by Certified Mail, Return Receipt Requested, to:

Abraham Chavez  
Owner  
A & R Custom Chrome Plating  
6528 South Lavergne Avenue  
Chicago, Illinois 60638

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Ray Pilapil, Manager  
Compliance and Enforcement  
Section  
Bureau of Air  
Illinois Environmental Protection  
Agency  
1021 North Grand Avenue East

On the 26 day of September 2014.



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9055